

US EPA RECORDS CENTER REGION 5



Issuance Date: SEP 16 1994

Effective Date: SEP 16 1994

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter Of:

Mr. Fred Miller
dba Miller Lumber Company
P.O. Box 160
Latham, Ohio 45646

Respondent

Director's Final
Findings and Orders

OHIO EPA
SEP 16 1994
DIRECTOR'S OFFICE

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are hereby issued to Mr. Fred Miller, dba Miller Lumber Company (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Chapters 3704, 3734, 3745, and 6111 of the Ohio Revised Code (ORC).

II. PARTIES

These Orders shall apply to and be binding upon the Respondent, the Owner, and the Operator of the Facility and their agents, servants, assigns, and successors in interest. No changes in ownership relating to the Site and/or Facility will in any way alter the Respondent's responsibilities under these Orders. The Respondent's obligations under these Orders may only be altered by the written approval of the Director of the Ohio EPA.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in Chapters 3704 and 3734 and the regulations promulgated thereunder.

IV. FINDINGS OF FACT

The Director has determined the following findings of fact:

1. Respondent is the owner of property located at 1617 Lapparell Road, Latham, Pike County, Ohio (the Site).

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By: Mary Gavin Date 9-16-94

OHIO E.P.A.

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DIRECTOR'S OFFICE

2. On or about September, 1993, Respondent entered into a contract with Mill's Pride, Ltd., to remove waste saw dust, waste particle board, baghouse dust, and other wood wastes from Mill's Pride, Ltd. manufacturing facility located at 323 Hopewell Road, Waverly, Pike County, Ohio.
3. Ohio Administrative Code (OAC) Rule 3745-27-01(B)(40) defines "solid waste" as unwanted, residual solid or semisolid material resulting from commercial, community, industrial, or agricultural operations.
4. The waste saw dust, waste particle board, baghouse dust, and other wood wastes generated by Mill's Pride manufacturing operation is a "solid waste."
5. Ohio Administrative Code (OAC) Rule 3745-31-01(C) defines "air contaminant" as particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substances, or any combination thereof; OAC Rule 3745-31-01(D) defines "air contaminant source" as each separate operation, or activity that results or may result in the emission of any air contaminant.
6. The waste stockpiling, processing operations, and roadways/parking areas at the Site are "air contaminant sources."
7. On March 15, 1994, Ohio EPA inspected the Site in conjunction with the Pike County Health Department. At this inspection, Ohio EPA documented that Respondent placed approximately 30,000 tons of waste saw dust, waste particle board, baghouse dust, and other wood wastes directly on the ground in several piles. The surface area of the piles was approximately 6 to 7 acres. Several piles were located from three to twenty yards from Kincaid Creek. Respondent's operations at the Site constituted a waste stockpiling operation conducted in such a way as to emit fugitive dust from loading and unloading and from exposed stockpiles. Leachate from the waste piles was observed in pools adjacent to the piles and in proximity to surface and/or ground waters.
8. Respondent ceased acceptance of additional solid waste at the Site on or about April 4, 1994.
9. Ohio Revised Code Section 3734.01(I) states "open dumping" means the depositing of solid wastes into a body or stream of water or onto the ground at a site that is not licensed under ORC Section 3734.05.
10. Ohio Administrative Code Section 3745-27-05(C) states no person shall conduct, permit, or allow "open dumping," and OAC Rule 3745-27-03 states temporary storage of putrescible solid wastes in excess of seven days is "open dumping."
11. Ohio Revised Code Sections 3734.02(C) and 3734.05(A)(2)(a) states no person shall establish a solid waste facility without obtaining a permit from the Ohio EPA prior to the establishment of the facility. Ohio Revised Code Section 3734.05(A)(1) states no person shall operate or maintain a solid waste facility without first obtaining a license.

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By: Mary Carvin Date 9-16-94

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12. Ohio Administrative Code Rules 3745-31-02(A) and 3745-35-02 require the owner or operator of a new air contaminant source to apply for and obtain a permit to install and a permit to operate before the installation and operation of the source is begun, and OAC Rule 3745-31-05(A)(3) requires all sources of emissions to employ Best Available Technology to control air contaminant emissions.
13. In letters dated April 4, April 11, and May 18, 1994, and in a meeting attended by Respondent and Ohio EPA on April 6, 1994, Ohio EPA notified Respondent its operations at the Site were in violation of the requirements of ORC Chapters 3704 and 3734 and the regulations promulgated thereunder.
14. In letters dated April 18, April 25, 1994, and in a meeting with Ohio EPA on April 6, 1994, and in a meeting with the Pike County Health Department on April 21, 1994, Respondent responded to and/or denied the violations cited by Ohio EPA and outlined various activities Respondent would perform at the Site.
15. On May 12, 1994, Respondent submitted an application for a permit to install (No. 06-4142) an air contaminant source, i.e. a sawdust and woodchip recycling facility. On May 12, 1994, Respondent submitted permit to operate applications for aggregate storage piles (No. 0666000057-F001), Woodworking Operations (No. 0666000057-F002), and plant roadway and parking areas (No. 0666000057-F003).
16. On August 9, 1994, Ohio EPA and Respondent met to discuss resolution of the compliance issues at the Site.
17. On August 12, 1994, Respondent submitted documentation to demonstrate that Respondent was operating a "Legitimate Recycling Facility" in accordance with OAC Rule 3745-27-03(F) at the Site.
18. On August 19, 1994, Ohio EPA notified Respondent of deficiencies in the air permit to install and air permit to operate applications submitted on May 12, 1994, and notified Respondent of the requirements specified by ORC Chapter 6111 and the rules promulgated thereunder.
19. The Director has determined the findings of fact and conclusions of law contained within this Order. The Respondent does not admit to the findings of fact and conclusions of law made by the Director. However, the Respondent does otherwise agree to the Director's authority to issue these Findings and Orders and agrees to comply with the terms and conditions contained herein.

V. ORDERS

Respondent shall achieve compliance with ORC Chapters 3704, 3734, and 6111 and the regulations promulgated thereunder, in accordance with the following schedule:

1. In order to achieve compliance with the solid waste facility requirements specified in ORC Chapter 3734 and the rules promulgated thereunder, Respondent shall continuously maintain documentation required by OAC Rule 3745-27-03(F) to

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By: Mary Carvin Date 9-16-94

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demonstrate that the Site is a "legitimate recycling facility." In addition to the documentation referenced in Finding No. 17, above, within fourteen (14) days of the effective date of these orders, Respondent shall submit the information discussing the consistent long-term markets for this solid waste as a recyclable material, including the ways the recycled materials can be used by purchasers of the recycled materials, the expected throughput of recycled materials at Respondent's legitimate recycling facility based on existing sources of recyclable wood waste materials,

2. Within sixty (60) days of failing to maintain the required documentation or to operate as a legitimate recycling facility as required by OAC Rule 3745-27-03(F), Respondent shall submit a solid waste facility permit to install application and/or registration; or
3. Within twelve (12) months of the effective date of these orders, Respondent shall remove sufficient solid wastes stockpiled at the Site to reduce the size of the storage piles to no more than two and one-half (2.5) acres and to a maximum height of thirty (30) feet at the highest point of the storage piles. This is approximately the area needed to stockpile forty-five thousand (45,000) cubic yards of material, or a six-month accumulation, assuming a monthly input of seven thousand five hundred (7,500) cubic yards of material.
4. In order to achieve compliance with the air and water pollution requirements specified in ORC Chapters 3704 and 6111 and the rules promulgated thereunder, Respondent shall do the following:
 - (a) Within thirty (30) days of the effective date of these Orders, submit a complete permit to install application and permit to operate applications that address the deficiencies in the May 9, 1994 applications based on Ohio EPA's August 19, 1994, Notice of Deficiency; and
 - (b) Until such time as Respondent obtains a permit to install and permits to operate the air contaminant sources at the Site, Respondent shall conduct operations at the Site in accordance with permit to install and permit to operate applications referenced in Finding No. 15, above, and any subsequent revisions to those applications.
5. In the event Ohio EPA notifies the Respondent that the documents submitted to achieve compliance with Order Nos. 1 or 4, above, are unsatisfactory in whole or in part, within thirty (30) days after receipt of such notification, the Respondent shall amend and submit to Ohio EPA a revised document or documents.
6. Respondent shall cease acceptance of additional solid wastes at the Site by March 1, 1995, if Respondent has not obtained the necessary permits as required by Order No. 4, above. After March 1, 1995, Respondent may resume acceptance of new solid waste at the Site upon obtaining the necessary permits as required by Order No. 4, above.
7. Beginning ninety (90) days after the effective date of these Orders, the

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Environmental Protection Agency.

By: [Signature] Date: [Signature]

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Respondent shall submit reports to Ohio EPA, due on January 15, March 15, June 15, September 15, and December 15, 1995, which shall describe the reduction in size of the existing waste piles required by Order No. 2, above and shall include the information specified in OAC Rule 3745-27-03(F)(1)(a) and Order No. 1(c), above. The Respondents shall continue to submit status reports until December 15, or until these orders terminate, whichever occurs earlier.

8. Nothing in these Findings and Orders releases Respondent from complying with the applicable requirements, including but not limited to obtaining necessary permits, licenses, and/or registrations for the operation of other solid waste facilities, including a solid waste composting facility, or other facilities in accordance with ORC Chapters 3704, 3734, and 6111 and the rules promulgated thereunder.

VI. TERMINATION AND SATISFACTION

These orders shall terminate when the Respondent certifies in writing and demonstrates to the satisfaction of the Ohio EPA that all obligations under these Orders have been performed and the Ohio EPA approves in writing this certification.

Certifications shall be signed by the Respondent, Mr. Fred Miller, dba Miller Lumber Company. The certification shall make the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate, and complete."

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a signatory to these Orders for any liability arising out of or relating to the operation of Respondent's Site and/or Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to operation of Respondent's Site and/or Facility. The Ohio EPA reserves all rights and privileges except as specified herein.

IX. NOTICE

All documents demonstrating compliance with these Orders and all other documents required under these Orders to be submitted to the Ohio EPA shall be addressed to:

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By: Mary Gavin Date 9-16-94

Director's Final Findings and Orders
Mr. Fred Miller dba Miller Lumber Company
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Director
Ohio Environmental Protection Agency
Division of Solid and Infectious Waste Management
Attn: Enforcement Coordinator, DSIWM
Enforcement Coordinator, DAPC
1800 WaterMark Drive
P.O. Box 163669
Columbus, Ohio 43216-3669

and

Ohio Environmental Protection Agency
Southeast District Office
Division of Solid and Infectious Waste Management
Attn: Group Leader, DSIWM
Unit Supervisor, DAPC
Unit Supervisor, DSW
2195 Front Street
Logan, Ohio 43138

or to such persons and addresses as may hereafter be otherwise specified in writing by the Ohio EPA.

X. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent the Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including penalties against Respondent for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent the Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to Chapters 3704 and 3734 of the ORC or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further actions which the Ohio EPA shall seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of the Ohio EPA to seek relief for violations not addressed in these Orders.

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official document as filed in the records of the Ohio
Environmental Protection Agency.

By: Mary Gavin Date 9-16-94

OHIO EPA

SEP 16 1994

OHIO EPA DIRECTOR'S JOURNAL

XI. SIGNATORIES

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into the terms and conditions of these Orders and to legally bind such signatory to this document.

IT IS SO ORDERED:

Donald R. Schregardus SEP 16 1994
Donald R. Schregardus, Director Date
Ohio Environmental Protection Agency

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by the Ohio EPA for only those matters addressed in these Orders, Respondent agrees that these Orders are lawful and reasonable, that the items and time frames provided for compliance herein are reasonable, and that the Respondent agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations cited herein.

Respondent hereby waives the right to appeal the issuance, terms and service of these Orders, and hereby waives any and all rights it may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, the Ohio EPA and Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Board of Review or any court, Respondent retains the right to intervene and participate in such appeal. In such event Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless said Orders are stayed, vacated, or modified.

IT IS SO AGREED:

MILLER LUMBER COMPANY

By: [Signature]
Title: owner

9-15-94
Date

OHIO EPA
SEP 16 94

OHIO ENVIRONMENTAL PROTECTION AGENCY

Donald R. Schregardus SEP 16 1994
Donald R. Schregardus, Director Date
Ohio Environmental Protection Agency

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By: Mary Carver Date 9-16-94



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From The Desk Of The President
- [9/27/2006]
FBMC announces exciting enhancements to EZ REIMBURSE® Cardholders!
- [5/25/2006]
FBMC celebrates 30 years
- [4/20/2006]
Fringe Benefits Management Company (FBMC) of Tallahassee, FL announced that it has acquired 21st Century Health & Benefits, Inc., a Third Party Administrator (TPA) specializing in medical and dental claims administration for self-funded clients

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- Health Reimbursement Arrangement
- Health Savings Accounts
- Qualified Transportation Benefits (QTB) Program



Printable Version

Friday, December 01, 2006 2:45:33 PM EST

STEVEN RINE

Enrollm

(Print this page for your records)

Confirmation Number: 2814823

Date/Time Saved: Friday, December 01, 2006 2:45:32 PM Eastern Time

Application Information

Address 10583 FRASURE HELBER RD
LOGAN OH 43138
Email tnh595@yahoo.com
Work Phone Number (740) 380-5213
Home Phone Number (740) 385-3023

Payroll Cycle: 24 DEDUCTIONS - D24 (First Paydate 1/19/2007)**Health Care Spending Account****Annual Amount**
\$1,200.00**Per Pa****Dependent Care Spending Account****Annual Amount**
\$0.00**Per Pa**

A written confirmation notice will be mailed within 5 business days. When you receive this notice, please verify that the correct. If there is an administrative fee associated with your Medical FSA it will also appear on the written confirmation

**Submitted and Saved Successfully,
You may now exit.**

If you wish to revise your account selection, please click on the Return to Login button below.

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Permit to Install Terms and Conditions

Application No. 06-4142
APS Premise No. 0666000057
Permit Fee: \$2800.00

Name of Facility: MILLER LUMBER COMPANY

Person to Contact: FRED MILLER

Address: P.O. BOX 160
LATHAM, OH 45646

Location of proposed source(s): 1617 LAPPERELL RD.
LATHAM, OHIO

Description of proposed source(s): *SW*
SAWDUST & WOODCHIP RECYCLING COMPOST FACILITY; TUB GRINDER, *AIR*
STORAGE PILE, PARKING AREAS & STORMWATER CONTAINMENT & MGMT. *WATER*

Date of Issuance: July 19, 1995

Effective Date: July 19, 1995

The above named entity is hereby granted a permit to install for the above described source(s) pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source(s) of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described source(s) of pollutants will be granted the necessary permits to operate (air) or NPDES permits as applicable.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Donald R. Schlegel

Director

TERMINATION OF PERMIT TO INSTALL

Substantial construction for installation must take place within 18 months of the effective date of this permit. This deadline may be extended by up to 12 months if application is made to the Director within a reasonable time before the termination date and the party shows good cause for any such extension.

NOTICE OF INSPECTION

The Director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above-named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, or to examine records or reports pertaining to the construction, modification or installation of the source(s) of environmental pollutants identified within this permit.

CONSTRUCTION OF NEW SOURCES(S)

The proposed source(s) shall be constructed in strict accordance with the plans and application submitted for this permit to the Director of the Ohio Environmental Protection Agency. There may be no deviation from the approved plans without the express, written approval of the Agency. Any deviations from the approved plans or the above conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

If the construction of the proposed source(s) has already begun or has been completed prior to the date the Director of the Environmental Protection Agency approves the permit application and plans, the approval does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the approved plans. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of Ohio Administrative Code (OAC) Rule 3745-31-02. Furthermore, issuance of the Permit to Install does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Approval of the plans in any case is not to be construed as an approval of the facility as constructed and/or completed. Moreover, issuance of the Permit to Install is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons)

may have against the applicant for starting construction prior to the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities prove to be inadequate or cannot meet applicable standards.

PERMIT TO INSTALL FEE

In accordance with Ohio Revised Code 3745.11, the specified Permit to Install fee must be remitted within 30 days of the effective date of this permit to install.

PUBLIC DISCLOSURE

The facility is hereby notified that this permit, and all agency records concerning the operation of this permitted source, are subject to public disclosure in accordance with OAC Rule 3745-49-03.

APPLICABILITY

This Permit to Install is applicable only to the contaminant sources identified. Separate application must be made to the Director for the installation or modification of any other contaminant sources.

BEST AVAILABLE TECHNOLOGY

As specified in OAC Rule 3745-31-05, all new sources must employ Best Available Technology (BAT). Compliance with the terms and conditions of this permit will fulfill this requirement.

PERMIT TO OPERATE APPLICATION

A Permit to Operate application must be submitted to the appropriate field office for each air contaminant source in this Permit to Install. In accordance with OAC Rule 3745-35-02, the application shall be filed no later than thirty days after commencement of operation.

SOURCE OPERATION AFTER COMPLETION OF CONSTRUCTION

This facility is permitted to operate each source described by this permit to install for a period of up to one year from the date the source commenced operation. This permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies.

AIR EMISSION SUMMARY

The air contaminant sources listed below comprise the Permit to Install for MILLER LUMBER COMPANY located in Pike County. The sources listed below shall not exceed the emission limits/control requirements contained in the table. This condition in no way limits the applicability of any other state or federal regulations. Additionally, this condition does not limit the applicability of additional special terms and conditions of this permit.

Ohio EPA Source <u>Lumber</u>	Source Identification <u>Description</u>	BAT <u>Determination</u>	Applicable Federal & <u>OAC Rules</u>	Permit Allowable Mass Emissions and/or Control/Usage <u>Requirements</u>
F001	Sawdust/Wood- chip Storage Loading and Unloading	There shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty-minute observation period.	3745-31-05 (A)(3)	There shall be no visible particulate emissions except for a period of time not to exceed one minute during any sixty- minute observation period.
F002	Tub Grinder	There shall be no visible particulate emissions.	3745-31-05 (A)(3) 3745-17-07 (A)(D)	There shall be no visible particulate emissions.
F003	Roadways and Parking Areas	For unpaved roadways and parking areas there shall be no visible particulate emissions except for a period of time not to exceed three minutes during any sixty- minute observation period.	3745-31-05 (A)(3)	For unpaved roadways and parking areas there shall be no visible particulate emissions except for a period of time not to exceed three minutes during any sixty-minute observation period.

6. Issuance of this permit does not constitute approval to land apply the wood wastes stored at the Facility or a determination that the land application of the wood wastes would be beneficial to the land.
7. Land application of collected run-off from the Facility shall be in accordance with the management plan dated January 1995 and as revised in March 1995, and any approved revised plan.
8. No discharge to waters of the state of run-off collected at the Facility is permitted unless and until the permittee obtains a National Pollutant Discharge Elimination System permit.
9. Solid, semi-solid or hazardous waste materials generated by the unit operations are to be reused, recycled or sold for recovery when feasible. Solid, semi-solid and hazardous waste must be stored, treated, or disposed of in facilities installed and operated in accordance with Ohio Revised Code Section 3734.
10. The Southeast District Office of the Ohio Environmental Protection Agency shall be notified, in writing prior to start-up of operation, as to the proposed disposition of all solid, semi-solid and hazardous waste materials. Notification shall include the following information:
 - a. name, location, and address of disposal facility;
 - b. method of disposal (incineration, secure landfill, etc.);
 - c. description of waste material to be disposed of;
 - d. quantities of waste material to be disposed of and frequency of disposal; and
 - e. name and address of contract haulers.

Any change in the disposition of waste materials shall be reported to the District Office prior to such a change.

11. The proposed wastewater disposal system shall be constructed in strict accordance with the plans and application approved by the director of the Ohio Environmental Protection Agency. There shall be no deviation from these plans without the prior express, written approval of the agency. Any deviations from these plans or the above conditions may lead to such sanctions and penalties as provided for under Ohio law. Approval of this plan and issuance of this permit does not constitute an assurance by the Ohio Environmental Protection Agency that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

12. No liquids, sludges, or toxic or hazardous substances other than those set forth in the approved permit shall be accepted for disposal without the prior written approval of the Ohio Environmental Protection Agency.
13. Construction of any wastewater treatment works shall be completed and operation of the facility approved by the Ohio Environmental Protection Agency before sewage or other wastewater is generated by the applicant or is discharged to the wastewater disposal system.
14. The sanitary control of the area shall be maintained within a 100 foot radius of each water supply well.
15. The applicant shall notify the Ohio Environmental Protection Agency if he does not continue as the sole user of the sewage disposal system.
16. The Southeast District office of the Ohio Environmental Protection Agency shall be notified in writing as to (a) the construction starting date; (b) the construction completion date; and (c) the date the wastewater disposal system was placed into operation.
17. A report, which provides a technical appraisal of the operation of the new wastewater disposal system during normal operating conditions, shall be submitted to the appropriate district office of the Ohio Environmental Protection Agency no later than three months after the new wastewater disposal system is placed into operation.
18. The owner shall be responsible for proper operation and maintenance of the wastewater disposal system.
19. No soil material shall be placed or compacted during weather conditions which would interfere with adequate compaction or moisture content control, such as freezing temperatures or rainy conditions.
20. Soil material shall be placed in 6 inch loose lifts at a moisture content between 85 to 95 percent optimum moisture content.
21. Soil material shall be compacted using standard engineering compaction methods unless otherwise specified in the plans to a minimum compaction rate of 95 percent of standard/modified maximum dry density.
22. Only soil materials specifically approved for use, in the detailed plans, may be used.

SUMMARY
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

<u>Pollutant</u>	<u>Tons/Year</u>
Particulate Matter	64

RECORD(S) RETENTION AND AVAILABILITY

All records required by this Permit to Install shall be retained on file for a period of not less than three years unless otherwise indicated by Ohio Environmental Protection Agency. All records shall be made available to the Director, or any representative of the Director, for review during normal business hours.

REPORTING REQUIREMENTS

Unless otherwise specified, reports required by the Permit to Install need only be submitted to OEPA Southeast District Office - DAPC, 2195 Front Street, Logan, Ohio 43138.

WASTE DISPOSAL

The owner/operator shall comply with any applicable state and federal requirements governing the storage, treatment, transport and disposal of any waste material generated by the operation of the sources.

MAINTENANCE OF EQUIPMENT

This source and its associated air pollution control system(s) shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers in order to minimize air contaminant emissions.

MALFUNCTION/ABATEMENT

In accordance with OAC RULE 3745-15-06, any malfunction of the source(s) or associated air pollution control system(s) shall be reported immediately to the OEPA Southeast District Office - DAPC, 2195 Front Street, Logan, Ohio 43138.

Except as provided by OAC Rule 3745-15-06(A)(3), scheduled maintenance of air pollution control equipment that requires the shutdown or bypassing of air pollution control system(s) must be accompanied by the shutdown of the associated air pollution sources.

July 19, 1995

AIR POLLUTION NUISANCES PROHIBITED

The air contaminant source(s) identified in this permit may not cause a public nuisance in violation of OAC Rule 3745-15-07.

ADDITIONAL SPECIAL TERMS AND CONDITIONS

1. Construction of the Facility shall begin no later than thirty (30) days of the effective date of this permit and shall be completed within one hundred and eighty (180) days of the effective date of this permit.
2. Within one hundred and eighty days ^{19 JAN 96} (180) of the effective date of this permit, all waste ~~received~~ at the Facility after that date shall be stored in the areas specified in the approved plans such that run-off from the storage piles is collected in the surface water collection system and discharged to the collection ponds specified in the approved plans. If construction of the Facility is not completed within the timeframes specified in Condition No. 1, above, the permittee shall cease acceptance of additional waste until construction is completed and the wastes can be stored in the areas specified in the approved plans. In addition, after September 16, 1995 the total area and maximum height of the storage piles shall not exceed 2.5 acres nor 30 feet in height.
3. Within two hundred and seventy days ^{APR 96} (270) of the effective date of this permit, any waste stored outside of the areas specified in the approved plans for storage piles shall either 1) be moved to within the areas specified in the approved plans to ensure run-off from the storage piles is collected and contained in the surface water collection system and the collection ponds, or 2) be removed to a licensed solid waste disposal or transfer facility, a properly authorized location for land application or beneficial use, or a resource recovery facility.
4. Issuance of this permit does not constitute express or implied approval that the permittee's construction and operation of the Facility satisfies the permittee's obligations to obtain a permit or registration, whichever is applicable, and a license pursuant to ORC Chapter 3734 and the rules adopted thereunder with regards to the operation of a solid waste facility. In addition, issuance of this permit in no way modifies or terminates the permittee's obligations to comply with the Director's Final Findings and Orders issued on September 16, 1994.
5. The permittee shall continuously maintain at the Facility the documentation required by OAC Rule 3745-27-03(F) which demonstrates that the Facility is a "legitimate recycling facility."

July 19, 1995

23. The permit to install is not an authorization to discharge pollutant to waters of the state. Pursuant to Chapter 6111 of the Ohio Revised Code, the applicant shall apply for a permit to discharge (NPDES) 180 days prior to commencing any discharge from the facility herein described.